CHATHAM, *July* 6, 1870

MY DEAR SIR,

I have just received the herewith enclosed, from H. LITTLE, Esq. His seems to be a very hard case, and I do trust that the Government will act promptly in the premises. Without a shadow of doubt, the spot where Mr. Little's Steam Barge and Wood Scow were seized, was within the Canadian Boundary Line: See Commissioners Porter and Barclay's Report, made 1822. The feeling here, in connexion with this *outrage on our shipping*, is intense. Be so kind as to advise me of the Government's action, as soon as convenient.

I have, &c.,

RUFUS STEPHENSON.

Hon. J. C. AIKINS,
Secretary of State.
Ottawa.

1870
(42)

# STATEMENT

Of Facts,—with reference to the Seizure of the Steam Barge REINDEER, of Wallaceburg, at the St. Clair Flats, also the Wood Barge CAMPBELL.

———o———

1st. The said Barges are owned by Hiram Little, of Wallaceburg, in the County of Kent and Province of Ontario.

2nd. The said Steam Barge is twenty-three tons burden, propelled by a Propeller Steam Engine, is of the value of $2,300, the said Wood Barge is of the value of $200.

3rd. That the said Steam and Wood Barges took on a cargo of cordwood, at the River Sydenham, in the County of Kent, to be discharged at the St. Clair Flats, at the Works, or Canal now in course of construction, by John Brown, for and on account of the American Government.

4th. That on Monday, the twenty-sixth day of June last past, the said two Barges arrived at the Canal or Channel now in course of construction, and on the westerly side thereof discharged their cargo of cordwood, which wood was for the said Brown, and to be used for and in the construction of said Canal, the said two cargoes amounting to fifty-eight cords.

5th. That, while the said Barges were in the act of discharging their cargo, three Revenue Officers from the City of Detroit, in the State of Michigan, seized the said two Barges and their cargo, and on the twenty-seventh day of June, being the next day after the seizure, the said Hiram Little proceeded from Wallaceburg to where the said Barges were seized, and, upon arriving there, was arrested by the said officials; and he, and the said Barges, and the men in his (Little's) employ, were taken to the City of Detroit under the charge of smuggling wood.

6th. That upon arriving at Detroit, a Ship Keeper was put in charge by Mr. Jerome, the Collector of Customs.

7th. That the said Collector of the Port of Detroit, suggested that Bonds should be given to the amount of $3,000,—$2,500 being for the Barges and $500 for costs. After considerable difficulty, I procured the necessary Bondsmen, and released my said Barges, and as to myself —I was released without bail.

8th. That I am advised and believe, from the best information that I can obtain from Charts used by mariners navigating the Rivers and Lakes, and on reference to the Report of the joint Commission of Messrs. Barclay and Porter, bearing date in the year 1822, that my said Barges were discharging their cargoes,—and were seized—within Canadian Territory: and in order the better to understand the position of the said Canal or Channel, and the position of said Barges when seized, I have caused a Diagram thereof to be made and annexed hereto.

9th. That the said Canal or Channel is not completed, and is only used by crafts supplying material used in the construction thereof; and that the principal part or portion of the material used in the construction of said Canal has been procured in Canada, and until the occurrence aforesaid no duty has been demanded thereon.

Dated at Wallaceburg this 4th day of July, A. D., 1870.

HIRAM LITTLE.

RUFUS STEPHENSON, Esq., M. P.

DEAR SIR,

I, herewith, send you a plain Statement of Facts relative to the unjust seizure of my two Barges by the American officials at the St. Clair Flats, and I beg that you will, at the earliest moment possible, lay the matter before the Government of the Dominion, and seek for me the redress which I think myself justly entitled.

I am, Sir,

Your Obdt. Servant,

H. LITTLE.

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OTTAWA, 1st August, 1870.

SIR,

In compliance with your instructions of 16th ult., I proceeded without delay, to inquire into the circumstances of the alleged seizure of the steam barge "Reindeer" and wood barge "Campbell"—with their cargoes of wood, the property of Mr. Hiram Little, of Wallaceburgh, by the United States Customs authorities at Detroit,—and also to ascertain, so far as I might be able, the accuracy of the boundary line as stated between Canada and the United States at the place of seizure, and whether the seizure was made in American or Canadian waters, &c.

With the exception of the error of naming Monday, the 26th of June, as the date of seizure—instead of Monday, the 27th, as it was—Mr. Little's "statement of facts in relation to the seizure" of date 4th July last, may be accepted as correct, and in corroboration of same I beg to submit,—

1st. Statement of Wm. A. Moore, Counsellor at Law at Detroit, as follows:—

DETROIT, July 26th, 1870.

G. McMICKEN, Esq.,

DEAR SIR,

In reference to your inquiry of yesterday relative to the seizure of the steam barge "Reindeer," with 26 cords wood and the barge "Campbell," with 32 cords wood, I respectfully state as follows:—Libels were filed against said vessels and wood on the 29th of June, 1870, by A. B. Maynard, Esq., Attorney of the United States for the Eastern District of Michigan, for and on behalf of the United States, alleging that on various days in the year 1869, and on the 27th of June, 1870, and on various days prior to the said 27th of June, 150 cords of wood, of the value of $400, were imported into the United States upon said barge "Campbell" from the Province of Ontario, and were unladen without permit or without payment of duty, and contrary to the Statute. That on the 27th day of June, 1870, and on various other days during the year 1870, and on various days during the year 1869, 150 cords of wood, of the value of $400, were imported on the steam barge "Reindeer" from the Province of Ontario without a permit from the Collector, without payment of duty, and contrary to the Statutes. That, in both cases, the libel alleges that the vessel and wood are forfeited to the United States.

Both vessels and wood were bonded by Mr. Little, of Wallaceburgh.

No answer has yet been filed, but probably will be by Tuesday next. The principal question seems to be whether the newly dredged channel across the St. Clair Flats is in American or Canadian waters. Any further inquiry I shall be pleased to respond to.

Respectfully yours,

(Signed) W. A. MOORE,

And 2nd. The statement of Mr. C. B. Bennet, Clerk for Mr. Brown, the contractor for the Canal across the St. Clair Flats, and obtained on the spot.

JULY 23rd, 1870.

I am book-keeper for Mr. John Brown—contractor for the construction of the St. Clair Flats Ship Canal. On Monday, the 27th of June last, United States Revenue Officers, Messrs. Bloss and LaFevre, of Detroit, Michigan, came to the office and informed me that they had seized the barge "Reindeer" and scow "Campbell," property of Mr. Hiram Little, of Wallaceburgh, Ontario, together with their cargoes of wood, which they were unloading on the west pier of this Canal, also stated that they had been informed that Mr. Brown had been purchasing his wood and supplies in Canada, and demanded a statement of all the wood and supplies and other articles used in the construction of this work received here from Canada. On Tuesday morning Mr. Little arrived here from Wallaceburgh; I went with him to the Light House, and had an interview with the Revenue Officers who made the seizure. Mr. Little protested against the seizure of his boats in the waters of this Canal, for the reason that he had always understood that to the East of the Old Ship Channel was on the Canadian side of the boundary line, and that he was delivering his wood here in good faith:—that he had a right to do so. I contracted with Mr. Little for the delivery of this wood, and have purchased wood from him every season since this work commenced.

The question whether wood coming here from Canada was liable for duty has never been spoken of between us, neither has there been any Revenue officer here to ask any questions about it before the seizure above referred to. Mr. Brown has paid duties on all scows, machinery and all articles used for the construction of this work brought here from Canada.

The work has been in progress three years. Mr. Little proposed to take the boats to Algonac, Michigan, and he would bond them until the question was settled; the officers replied that they had no authority to bond them, and that they must take them to Detroit. At the request of the Revenue Officers, Mr. Little's men took the boats to Detroit—with Mr. Little and the Officers on board.

(Signed,) C. B. BENNETT.

The seizure having therefore been made, the question of the right of the United States Customs Officers to make it, turns upon the question—as stated by Mr. Moore—"whether the newly dredged channel across the St. Clair Flats is in American or Canadian Waters."

A preliminary examination of this kind, having for its chief object to ascertain whether there are satisfactory reasons for interfering on behalf of the claimant, and early action being necessary for his needed relief, time is not afforded for obtaining full and precise data for absolutely determining a boundary line between two countries; but so far as means and opportunity were afforded me, I have obtained such information as leads to a thorough conviction that the new Canal now being constructed across the St. Clair Flats by the Government of the United States, and where the seizure of the boats and wood of Mr. Little was made, is wholly and unmistakeably within Canadian waters.

The 6th Article of the Treaty of Peace and Amity between Great Britain and the United States of America, concluded at Ghent on 24th December 1814, reads thus:—

"Whereas, by the former Treaty of Peace that portion of the boundary of the United States from the point where the forty-fifth degree of North latitude strikes the River Iroquois or Cataraguy to the Lake Superior, was declared to be 'along the middle of said River into Lake Ontario through the middle of said Lake until it strikes the communication by water between that Lake and Lake Erie, thence along the middle of said communication into Lake Erie, through the middle of said Lake until it arrives at the water communication into the Lake Huron, thence through the middle of said Lake to the water communication between that Lake and Lake Superior."

"And whereas, doubts have arisen what was the middle of the said River, Lakes and water communications and whether certain islands lying in the same were within the dominions of His Britannic Majesty or of the United States: In order, therefore, finally to decide these doubts, they shall be referred to two Commissioners, to be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding Article unless otherwise specified in this present Article. * * * * * * * * * * The said Commissioners shall, by a report or declaration under their hands and seals, designate the boundary through the said River, Lakes and water communications, and decide to which of the two contracting parties the several islands lying within the said Rivers, Lakes and water communications do respectively belong, in conformity with the true intent of the said Treaty of One thousand seven hundred and eighty-three; and both parties agree to consider such designation and decision as final and conclusive. And in the event of the said two Commissioners differing, or both or either of them refusing, declining or wilfully omitting to act, such reports, declarations or statements, shall be made by them or either of them, and such reference to a friendly Sovereign or State shall be made in all respects as in the latter part of the fourth Article is contained and in as full a manner as if the same was herein repeated."

In accordance with the Article above quoted, two Commissioners were appointed—Peter B. Porter and Anthony Barclay, respectively, on behalf of the United States and Great Britain.

On the 18th day of June 1822, the said Commissioners published their decision which, in so far as it affects the point at issue, reads thus:—

"Thence to the middle of the mouth of the Detroit River in a direction to enter the channel which divides Bois-blanc and Sugar islands; thence up the said channel to the West of Bois-blanc Island and to the East of Sugar, Fox and Stony islands, until it approaches Fighting or Great Turkey Island; thence along the Western side and near the shore of said last mentioned Island to the middle of the River above the same. Thence along the middle of said River, keeping to the Southeast of and near Hog Island, and to the Northwest of and near the Island called Isle à la Pêche to Lake St. Clair; *thence through the middle of said Lake in a direction to enter that mouth or channel of the River St. Clair, which is usually denominated the Old Ship Channel;* thence along the middle of said channel between Squirrel Island on the Southeast and Herson's Island on the Northwest, to the upper end of the last mentioned Island, &c., &c."

The said decision, having been duly signed and sealed by the two Commissioners on the date mentioned, became final, and the line of boundary so defined by them must govern this inquiry.

The only point upon which (as it appears to me) a question could possibly be raised, is as to where the point designated as "the mouth of the Old Ship Channel" is. If, as some would say, it is in deep water on the upper side of the Flats, then the line would run up through the Lake into the River very nearly upon the line of the new Canal and Canada would have no deep channel of water communication with the River St. Clair from the Lake of that name.

The only ground, so far as I have been able to ascertain, that exists favoring this view, is the fact that on the "Chart of St. Clair Flats, reduced from the original surveys of Captain Geo. G. Meade, T. E., under the direction of Lieut. Col. J. Kearney, T. E., Superintendent of Lake Surveys, shewing also the improvement at the mouth of the South Pass, now being effected by the United States Bureau of Topographical Engineers, 1857," the boundary line is laid down running directly across the Flats into the deep water of the Lake, and very nearly upon the line of the new Canal; but so far as I can judge, somewhat Westward of it still. This line is about two miles to the Eastward of the mouth of the channel at present used as the entrance to the South Pass, and which I find has generally been known and accepted as the Old Ship Channel.

From Captain James Hackett I obtained the following statement:—

"I, the undersigned James Hackett, followed the occupation of a Mariner on the Lakes for many years. I commenced sailing in the year 1817, and continued in that line of life until I took charge of the Lighthouse on Bois-blanc Island in 1836. I remember the channel which was used to pass between the River and the Lake St. Clair over the Flats very well. We used to come down a reach of about a quarter of a mile through about three fathoms water to the Elbow Stake; then we turned short to the left in about two fathoms water for about half a mile to the Bar Stake, where we had about ten to twelve feet water. We then proceeded on two or three different courses through the stakes and in about two fathoms, more or less, until we reached deep water—say about three fathoms and upwards. There was no channel but this one. On either side of it the water was only from four to five feet deep. The Americans used to keep the channel staked out—this was our guide in those days, as we had no maps or charts. The channel I have described was known as the Old Ship Channel."

(Signed,)

JAMES HACKETT.

This was made to me at Bois blanc Island, on 26th July, 1870.

There are several persons known to me, whose evidence can be obtained, if needed, which will be quite as clear and pointed as Captain Hackett's. It may be remarked also, that in many instances since the date of the seizure, several American newspapers have admitted, some the fact, and some the possibility, of the Canal having been constructed in error within Canadian waters. The following is an extract from the Detroit *Tribune*, a paper not unfriendly to the present Government of the United States:—

"The charges of the Canadian journals respecting the alleged illegal arrest of certain men "and vessels by the American authorities, at the new Ship Canal being built on the St. Clair "Flats, seem to have some foundation in fact; and it is not unlikely that not only are the "American authorities wrong in the seizures, but that the Canal itself may be entirely in "Canadian waters, and a grand dead loss to the American people, after a great amount of "money has been expended upon it."

A more recent issue of the Chart of the St. Clair Flats, of what date I could not ascertain, *but of the same survey, and printed from the same plate*, does not show the boundary line continued over the Flats,—warranting the inference that the error in laying it down in the first issue, had been discovered, and the correction made by expunging it from the subsequent issue.

It may be remarked here, that all vessels built on, or engaged in navigating the lakes of the West, are entitled to receive from the office of the "Lake Survey," charts of the Lakes and Rivers, upon application.

*The language of the same paper above referred to, in reference to the change made in* the chart, reads thus:—

"On the old maps in the Lake Survey Office here, the dotted boundary line does not run "through this channel entirely, but, coming down, branches off from the channel, where the "latter makes a great detour, and proceeds in almost a direct course, following the line which "the new canal now pursues. But on the more recent maps, the dotted line, striking off "from the channel, is not found at all, and it certainly looks as though when these were pre-"pared it had become known that this line on the old maps did not truly represent the "boundary, and it was left again to the curving channel, according to the terms of the "treaty."

In the year 1855 the Government of Canada appropriated $20,000 (twenty thousand dollars), to aid in deepening the flats of Lake St. Clair.

In 1858 the money was expended, and in the Report of the Chief Commissioner of Public Works and the Assistant Commissioner, Letter H, dated 17th April, 1858, I find these words:—"The undersigned presume that the channel proposed to be improved, and called in the "letter of the Board of Trade 'The South Channel,' is that known in this Province as the "'Middle or Walpole Channel', the upper portion of which is the boundary line between "the United States and Canada, and the lower part is through Canadian territory solely." This clearly shows that then the Chief and Assistant Commissioner of Public Works entertained no doubt whatever that even a portion of the channel navigated, and about two miles west of the canal now being constructed, was in Canadian waters.

I obtained a chart of the more recent issue, which I beg to submit herewith. On it, is laid down the channel now used in navigation.

I have indicated as nearly as possible, by a red dotted line, where the boundary ran, as laid down on the first issue; and by a pencil line the position of the new canal. This latter is not given as exact, but sufficiently so to indicate its position.

Again, referring to the decision of the Boundary Commissioners, I find these words:—"do decide and declare that the following described line (which is more clearly indicated on "a series of maps accompanying this Report, exhibiting correct surveys and delineations of "all the rivers, lakes, water communications and islands embraced by the 6th Article of the "Treaty of Ghent, by a black line, shaded on the British side with red, and on the American "side with blue; and each sheet of which series of maps is identified by a certificate, sub-"scribed by the Commissioners, and by the two principal Surveyors employed by them), is "the true boundary intended by the two before-mentioned treaties, that is to say," &c.

Now a reference to that portion of the series of maps referred to by the boundary Commissioners shewing the line through Lake St. Clair, to the mouth of the Old Ship Channel as then understood and accepted by the said Commissioners, should readily determine the question at issue.

I have not had opportunity of examining these maps; though doubtless they are easily to be had access to at Washington and London, if at any time required. I have obtained, however, and herewith submit a tracing purporting to be a copy of the map of the said Boundary-line Commissioners, shewing the line as they laid it down through Lake St. Clair, and into "the mouth of the Old Ship Channel," the tracing, of which this is a copy, was furnished by the Secretary of the Board of Trade of Buffalo (or by Watson A. Fox, Esq., Chairman of the Dredging Committee) in January, 1856, and previous to the first issue of the Charts by Capt. Meade's surveys.

Assuming, then, this tracing to be a correct copy of the map of the Boundary Commissioners,—and there seems to be no reason to doubt its accuracy; it appears quite evident that, as I have already stated, the whole of the Canal now being constructed, is within Canadian waters.

This being the case, Mr. Little is clearly entitled to the interference of the Government in his behalf.

I may be permitted, in conclusion, to say that the mistake in the location of the new Canal affecting, as it does, the control of the main artery of the navigation of the Western Lakes, is one eminently requiring prompt attention, in order that friendly intercourse may be maintained,—the mutual interests of the two countries subserved and secured, and such difficulties as the future might possibly give rise to avoided.

I have the honor to be,

Sir,

Your most obedient Humble servant,

G. McMICKEN.

H. Bernard, Esq.,

Deputy of the Minister of Justice,

Ottawa.

*COPY of a Report of a Committee of the Honorable the PRIVY COUNCIL, approved by His Excellency the Governor General in Council on the 30th August*, 1870.

The Committee of Council have had under consideration the annexed Report, dated 26th August, 1870, from the Deputy of the Minister of Justice, concurred in by the Hon. Sir George Et. Cartier, acting for the Hon. the Minister of Justice, on an application on behalf of Hiram Little, respecting the seizure of two vessels belonging to him, and his own arrest at Detroit by the United States authorities, for an alleged attempt to evade the Revenue laws of that country; and they respectfully advise that the recommendations contained in the said annexed Reports be approved and adopted.

[Certified,] WM. H. LEE,

*Clerk Privy Council.*

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DEPARTMENT OF JUSTICE,

*Ottawa, August 25th*, 1870.

The undersigned has the honor to report that a complaint has been made by Mr. R. Stephenson, M. P., on behalf of Hiram Little, of Wallaceburgh, in the County of Kent, in the Province of Ontario, of an outrage committed upon the latter, and seizure of his property by the Customs authorities at Detroit.

From the allegation, it would appear that Little carried certain cordwood to works at the St. Clair Flats, now in course of construction ' a Contractor on account of the Government of the United States, without attention to the Customs' Regulations of the United States.

Mr. Little alleges that the place at which he delivered the cordwood, is within the boundaries of the Dominion of Canada, and therefore not subject to the laws of the United States; and that the seizure has been wrongful, and to his great detriment.

The petition of Mr. Little was referred to Mr. McMicken, Commissioner of Police, who proceeded to make enquiry into the circumstances of the case, and a full report on the subject is submitted by him herewith.

The facts appear to be as follows:

Hiram Little, being the owner of the Steam Barge "Reindeer" and wood Barge "Campbell," was proceeding with the same with cord-wood taken on at the River Sydenham, in the County of Kent, to be discharged at the St. Clair Flats at the works or Canal now in course of construction by one John Brown, for the Government of the United States. The Steam Barge, being 23 tons burden propelled by a propeller Steam Engine, is of the value of $2,300.00, and the wood Barge, of the value of $200.00.

That on the 27th June last, the Barges arrived at the Channel and discharged their cargo for the Contractor Brown, for use in the construction of his work; and that whilst so doing, three Revenue Officers from Detroit, seized the two Barges and their cargo, and the following day seized Hiram Little himself; and he and the Barges and the men in his employ were taken to Detroit for smuggling wood; and a Ship-keeper was put in charge by the Collector of Customs at Detroit.

That the Collector suggested that Bonds should be given to the amount of $3,000, being $2,500 for the Barges and $500 for costs, upon giving which the Barges were released. Little himself was released without bail.

It appears further, that libels have been filed against the vessels and wood by the U. S. District Attorney of Michigan, which allege that the same are forfeited to the United States.

The point which is urged on behalf of Mr. Little is, in fact, whether the newly dredged Channel across the St. Clair Flats is in American or Canadian waters. Upon this point, Mr. McMicken states that he has obtained such information as leads to a thorough conviction that the new Channel now being constructed by the Government of the United States, and where the seizure of the boats and wood was made, is wholly and unmistakeably within Canadian waters. He refers to the 6th article of the Treaty of Ghent, of the 24th December 1814, and the reference thereunder to two Commissioners to settle the boundaries alluded to in that article and which would govern this question.

Messrs. Porter and Barclay were accordingly appointed for the United States and Great Britain respectively, and on the 18th June, 1822, they published their decision, and it is submitted that the line of boundary then established by them, and which is set out in Mr. McMicken's Report, is that by which this question should be governed.

It will be seen that Mr. McMicken says that some question may possibly be raised as to the point designated by the Commissioners as "the mouth of the old Ship Channel," but that such view could only be supported by reference to a chart, to which he makes allusion, and the division line of the Flats marked thereon, and which Mr. McMicken believes must have been made after the award of the Commissioners in 1822.

As to the view of the boundary line which has been taken by Canada hitherto, the same is referred to in the Report of the Chief Commissioner of Public Works of 1858, under which certain money to be expended by the Government of Canada was, the Commissioner presumed, to be for the channel "proposed to be improved, and called in the letter of the Board of Trade, 'The South Channel,' or that known in this Province as the 'Middle or Walpole Channel,' the upper portion of which is the boundary line between the United States and Canada, and the lower part is through Canadian territory solely."

No doubt, however, should exist on this point, inasmuch as the decision of the Boundary Commissioners is given in precise words, and in which they speak of a series of maps exhibiting surveys of all the rivers, lakes and water communications, &c., embraced by the 6th article of the Treaty of Ghent by a black line shaded on the British side with Red, and on the American side with Blue, subscribed by the Commissioners and principal Surveyors; and such is spoken of by them as the true boundary intended. It appears impossible at this moment to obtain a copy of that Report or of the plans attached thereto.

It will be observed that Mr. McMicken concludes his report by stating "that the mistake by the Government of the United States in the location of the new Canal, affecting, as it does, the control of the main artery of the Western Lakes, is one eminently requiring prompt attention, in order that friendly intercourse may be maintained, the mutual interests of the two countries subserved and secured, and such difficulties as the future might possibly give rise to, avoided."

The undersigned has therefore the honor to suggest that the Go-

vernor General should be requested to communicate, through Her Majesty's Minister at Washington, with the United States Government, representing the facts connected with the seizure of the steam barge and wood barge, and also with the personal arrest of the owner, Hiram Little; and further stating that, to save his property, he entered into bonds on account of the same; and claiming that as the seizure was made and the arrest effected on Canadian Territory, the United States Government should issue an order for the cancellation of the bonds so given by Mr. Little, and his release from any liability there-under, to himself and his sureties; and that due compensation should be awarded to him in respect of the seizure of the barges and of his personal arrest.

The undersigned takes the liberty of suggesting that it is inexpedient to enter into any detail upon the boundary line question, or to act otherwise, in communicating the facts to the Government of the United States, than upon the facts of the seizure having been made on Canadian Territory.

(Signed) H. BERNARD,
D. M. J.

I concur in this report

(Signed) GEO. ET. CARTIER,
Acting for the Minister of Justice.

WINDSOR, Ontario, November 22nd, 1870.

GILBERT McMICKEN, Esq.,

*Police Commissioner, &c., Ottawa, Ont.*

SIR,—I have to report that in accordance with your instructions I proceeded on the 18th inst., in the steam yacht "Undine," of Detroit, to the Flats of Lake St. Clair, and made the survey of the location of the Canal lately constructed by the Government of the United States in the vicinity of the boundary line between the United States and Canada.

I commenced by ascertaining the position and bearings of the North Westerly side of the channel called the "South Pass" at, and a short distance on each side of the mouth.

By this means I defined a point in the channel bank of the mouth of the "Pass," which I could readily locate on the chart issued by the Bureau of Topographical Engineers of the United States.

I then proceeded to lay down a meridian line by an observation of the North Star on its Eastern Elongation, which I took on the 19th inst., from the North Westerly side of the Canal; and from this line, in connection with a base line measured along the side of the Canal, formed a series of triangles,—from which I subsequently calculated the distance and astronomical bearing of the point at the mouth of the "Pass" in relation to the several points on the sides of the Canal.

I also checked the position of the Canal by ascertaining the true bearing of a line passing over the Channel bank on the Canadian side of the "Pass" at the extreme North Westerly edge of the first curve in it. And on subsequently plotting these lines on the Chart above mentioned, I found them to agree with the survey.

The Topography on the Tracings which accompany this report is taken from the Chart just mentioned; and the direction and position of the boundary line between the United States and Canada, from a tracing purporting to be a true copy of part of the original map defining the boundary line between the two countries, signed by Messrs. Barclay and Porter, and referred to in their report.

By reference to the accompanying Tracings, it will be seen that the International Boundary Line passes through a corner of the Canal at its North Easterly end.

The portion of the Canal in British waters, consists of a triangular piece containing an area of 41,250 square feet, of which the Easterly pier of the Canal occupies 25,000 square feet. In other words the outermost side of the piece lies in British waters for a distance of about 750 feet, and the inner side,—a distance of 500 feet.

In arriving at these results I have assumed—in accordance with your instructions—the International Boundary Line to be truly laid down on Messrs. Barclay and Porter's Map, and the Topography and Soundings to be correctly represented on the United States Chart furnished by you.

I have the honor to be, Sir,

Your obedient servant,

FRED. L. FOSTER,

Provincial Land Surveyor.

OTTAWA, 30th November, 1870.

SIR,—I have the honour to report that, in obedience to your instructions, I charged myself with the duty of engaging the services of a good and reliable Surveyor to locate the new Canal now being constructed (and nearly completed) by the Government of the United States of America across the Lake St Clair Flats, so as to define its position in respect to the International Boundary Line as accurately as possible.

I was fortunate in securing the services of Frederick L. Foster, Esq., of Windsor, Provincial Land Surveyor, a gentleman eminent in his profession of irreproachable character and habits, and enjoying the confidence and esteem of all who know him.

He happened to be in Boston when I called upon him, but,—responding to my telegrams—returned immediately to Canada, and agreeing to undertake the work, we proceeded without loss of time to accomplish it.

On the 16th instant I engaged a small steam yacht to convey the Surveyor, myself and assistants to the Canal, and early on the 17th we left Detroit in her. After getting a few miles out into the Lake we were obliged to return, owing to the severe storm then prevailing, and the boat proving quite unseaworthy.

We procured another small steam yacht—the "Undine," of somewhat greater length of keel and having a better engine. In her, we started anew in the course of the night, and after six hours of a stormy and somewhat dangerous passage, arrived at the Canal on the Flats, on the morning of the 18th.

For what was accomplished there, to give effect to your instructions, I beg leave to refer you to the Report of the Surveyor herewith submitted.

I feel very confident that the location of the Canal, as laid down by Mr. Foster, will be found as nearly as possible correct, and defined with all the exactness the data furnished him would permit. He was most indefatigable and painstaking in his efforts to secure a satisfactory result. In prosecuting this duty we were three days and nights exposed to the inclemency of the weather, without opportunity of changing our clothes or a place to lie down in. Fortunately, on the morning of the 19th, the clouds, which during the night had obscured the Polar Star, dissipated, and Mr. Foster obtained an excellent observation.

I trust what has been done will be found satisfactory, and the expense (a Statement of which I submit herewith) be considered in keeping with the closest economy.

I have the honor to be,

Sir,

Your most obedient humble Servant,

G. McMICKEN.

Documents submitted herewith:—

1st. Report of Surveyor F. L. Foster, Esq.

2nd. Plan shewing the position and location of the Canal.

3rd. Chart having location of Canal laid down thereon.

4th. Chart of later date from same plate but having the boundary line *across the Flats* omitted.

CASE OF

# HIRAM LITTLE.

*Seizure of his Vessels on St. Clair Flats.*

CASE OF

# HIRAM LITTLE.

*Seizure of his Vessels on St.*